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Bank of America N.A., successor in interest to  
Bank of America NT & SA

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

JOHN L. WHEELER; GLORIA A.  
WHEELER,

Plaintiffs,

v.

BANK OF AMERICA NT & SA;  
LIBERTY REVERSE MORTGAGE;  
SEATTLE FINANCIAL GROUP,

Defendants.

Case No. C-08-03230-JL

**BANK OF AMERICA'S NOTICE OF  
MOTION AND MOTION TO STAY  
PROCEEDINGS**

Hearing: August 27, 2008

Time: 9:30 AM

Location: 450 Golden Gate Ave.,  
San Francisco, CA,  
Courtroom F, 15<sup>th</sup> Floor

Trial Date: None

Compl. Filed: July 3, 2008 (removed)

Judge: The Honorable James Larson

**NOTICE OF MOTION AND MOTION**

PLEASE TAKE NOTICE THAT, on August 27, 2008, at 9:30 a.m., or as soon thereafter as the matter may be heard, in Courtroom F, 15<sup>th</sup> Floor of the United States District Court for the Northern District of California, San Francisco Division, located at 450 Golden Gate Avenue, San Francisco, California, 94102, Bank of America N.A., successor in interest to Bank of America NT & SA ("Bank of America") will and hereby does move for an order from this Court to stay the above entitled action pending the resolution of a proceeding before the California Supreme Court captioned *Miller v. Bank of America NT & SA*, Supreme Court Case No. S149178, involving the identical theories of recovery, factual allegations and causes of action as this proceeding.

The motion is based on this notice, the attached memorandum of points and authorities, all supporting declarations, the pleadings and other records on file with the Court, the oral argument of counsel, all relevant matters judicially noticeable, and such further evidence and arguments as the Court may consider.

Dated: July 11, 2008

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By:                     /s/                      
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